UNITED
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Security Council

Distr.
GENERAL

S/1995/30
12 January 1995
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 11 JANUARY 1995 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a note from the Contact Group of the Organization of the Islamic Conference concerning the report submitted pursuant to Security Council resolution 943 (1994). I should be grateful if you would have it circulated to all the members of the Council and issued as a Council document.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

95-00952 (E) 120195 120195 130195

Annex

[Original: English]

Note from the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina addressed to the President of the Security Council

The Organization of the Islamic Conference (OIC) Contact Group on Bosnia and Herzegovina is gravely concerned over two related issues, namely, the continuing cross-border aggression against the Republic of Bosnia and Herzegovina by so-called Croatian Serb forces and over the potential extension of the sanctions-easing on Serbia and Montenegro.

The Organization of the Islamic Conference is appalled that so-called Croatian Serb forces have for two months now invaded and occupied towns and villages in the Bihac region of the Republic of Bosnia and Herzegovina from the bordering United Nations Protected Areas in the Republic of Croatia, violating the Republic's territorial integrity and sovereignty, constituting international aggression and threatening international peace and security. This invasion and occupation jeopardizes the recently achieved cease-fire in the Republic of Bosnia and Herzegovina and undermines the negotiating process established by the five-nation Contact Group. The situation for the civilians and peace-keepers in the Bihac region is further aggravated by the restrictions on freedom of movement imposed by the so-called Croatian Serbs and other forms of harassment against the United Nations Protection Force (UNPROFOR), the Office of the United Nations High Commissioner for Refugees (UNHCR) and other related humanitarian organizations.

The Charter of the United Nations, the recently achieved cease-fire as well as the potential for a negotiated settlement necessitate that the so-called Croatian Serb forces withdraw from the areas they have occupied (within the Republic of Bosnia and Herzegovina). The Security Council has the primary responsibility in seeing that this withdrawal takes place.

OIC believes that it may be imprudent under the current circumstances to extend the sanctions-easing on Serbia and Montenegro. Unfortunately, now that the Security Council in its initial resolution 943 (1994) has already set into motion this course of action, we are left with the option of trying to maximize its benefit or continue to oppose it. While OIC acknowledges that the Belgrade regime can play a constructive role in compelling the Pale Serbs to accept the five-nation Contact Group's peace plan, the monitoring mission of the International Conference on the Former Yugoslavia must help to effectuate this potentially constructive role. OIC notes serious inadequacies in the monitoring methodology which have exposed an increasing political tendency in the relevant reports of the Co-Chairmen to extend sanctions-easing on Serbia and Montenegro.

Many independent international factors acknowledge that the border continues to be violated by the transport of strategic materials and personnel. It is paramount that the monitoring mechanisms and the number of monitors be upgraded and that more serious consideration be given to third-party sources.

It is regrettable that the reports of the Co-Chairman have too casually dismissed such sources. Furthermore, it is especially regrettable that the Co-Chairmen have approved of fuel shipments that violate the territorial integrity and sovereignty of the Republic of Bosnia and Herzegovina and the Republic of Croatia as well as Security Council resolution 820 (1993). We look forward to the new draft resolution terminating the latter shipments and strengthening the modalities and methodology for deterring, ascertaining and reporting violations.

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S/1995/31
12 January 1995

ORIGINAL: ENGLISH

LETTER DATED 16 DECEMBER 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 940 (1994), by which the Council decided to revise and extend the mandate of the United Nations Mission in Haiti (UNMIH).

With regard to the command of UNMIH, it is my intention to appoint Major-General Joseph Kinzer of the United States of America as Commander of the military component of UNMIH. I have informed President Jean-Bertrand Aristide of this nomination and he has indicated his concurrence.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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12 January 1995

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LETTER DATED 12 JANUARY 1995 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 16 December 1994 concerning the appointment of Major-General Joseph Kinzer of the United States as Commander of the military component of the United Nations Mission in Haiti (UNMIH) (S/1995/31) has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and agree with the proposal made therein.

(Signed) Emilio J. CARDENAS
President of the Security Council

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General Assembly
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13 January 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS. ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Memorandum by the Secretary-General

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I. INTRODUCTION

1. By a communication dated 28 September 1994, the Registrar of the International Court of Justice informed the Secretary-General of the death of Judge Nikolai Konstantinovitch Tarassov (Russian Federation) on that date and of the resulting occurrence of a vacancy in the Court. Judge Tarassov became a member of the Court on 9 December 1985 and was re-elected as from 6 February 1988. His term of office would have ended on 5 February 1997. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5. According to Article 5, the invitations for nominations have to be made at least three months before the date of the election, which shall, pursuant to Article 14, be fixed by the Security Council.

2. By a note dated 20 October 1994 addressed to the Security Council, the Secretary-General drew its attention to Article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the International Court of Justice (S/1994/1188). Pursuant to Article 14 of the Statute of the Court, the Security Council decided by its resolution 951 (1994) of 21 October 1994 that the election to fill the vacancy should take place on 26 January 1995, at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session. Pursuant to rule 15 of its rules of procedure, the General Assembly, at its 93rd meeting, held on 20 December 1994, decided to include in the agenda of the forty-ninth session an additional sub-item under agenda item 15, "Elections to fill vacancies in principal organs", reading as follows: "(c) Election of a member of the International Court of Justice" (see A/49/239 and A/49/PV.93).

3. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 21 October 1994, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 10 January 1995. A list of the nominations received by that date and the curriculum vitae of the candidate received are transmitted in separate documents to the General Assembly and the Security Council (A/49/828-S/1995/34 and A/49/829-S/1995/35, respectively). The name of the candidate will appear on the ballot papers to be distributed during the election.

4. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term. The member elected to replace Judge Nikolai Konstantinovitch Tarassov will thus serve until 5 February 1997.

5. The present composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

6. The present composition of the International Court of Justice is as follows:

President: Mr. Mohammed Bedjaoui (Algeria)*

Vice-President: Mr. Stephen M. Schwebel (United States of America)*

Judges: Shigeru Oda (Japan)**
Roberto Ago (Italy)*
Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)***
Gilbert Guillaume (France)***
Mohammed Shahabuddeen (Guyana)*
Andrés Aguilar Mawdsley (Venezuela)***
Christopher Weeramantry (Sri Lanka)***
Raymond Ranjeva (Madagascar)***
Géza Herczegh (Hungary)**
Shi Jiuyong (China)**
Carl-August Fleischhauer (Germany)**
Abdul G. Koroma (Sierra Leone)**

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

7. The election will take place in accordance with the following provisions:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

8. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru and Switzerland, which are parties to the Statute of the Court but not members of the United Nations, have been invited to participate in the General Assembly in electing members of the Court in the same manner as the States Members of the United Nations.

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* Term of office expires on 5 February 1997.

** Term of office expires on 5 February 2003.

*** Term of office expires on 5 February 2000.

9. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court to fill the vacancy (Art. 8 of the Statute).

10. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (Art. 10, para. 1, of the Statute).

12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors. The electors in the General Assembly are all the Member States, together with the two non-member States mentioned in paragraph 8 above that are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, 94 votes constitute an absolute majority in the Assembly for the purpose of the Court election.

13. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Art. 10, para. 2, of the Statute).

14. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

15. If in the first ballot in either the General Assembly or the Security Council no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

16. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

17. If, upon comparison of the name of the candidate so selected by the General Assembly and by the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect one candidate

by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

18. If, however, after the third meeting the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.

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Forty-ninth session
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ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a communication dated 21 October 1994, addressed to States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the vacancy in the International Court of Justice caused by the death of Judge Nikolai Kostantinovitch Tarassov (Russian Federation) on 28 September 1994. In the same communication, the Secretary-General, in accordance with article 5, paragraph 1, of the Statute of the Court, invited the national groups of States parties to the Statute to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 10 January 1995.

2. In accordance with article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council the candidate nominated by the national groups:

Name and nationality	Nominated by the national group of
Vladlen S. Vereshchetin (Russian Federation)	Austria China India Italy Netherlands Russian Federation Slovakia Spain United Kingdom of Great Britain and Northern Ireland United States of America

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Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

List of candidates nominated by national groups

Note by the Secretary-General

Further to the note by the Secretary-General of 13 January 1995 (A/49/828-S/1995/34), which contained the name of the candidate nominated by national groups and the nominations received as at 10 January 1995, the deadline for receiving them, the following nomination should be added:

Name and nationality	Nominated by the national group of
Vladlen S. Vereshchetin (Russian Federation)	France

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